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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/837,686	BOLL, DAVID
	Examiner Mohammad O. Farooq	Art Unit 2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 August 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-25 and 38-56 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3-25 and 38-56 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 18, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-7, 9, 10, 12, 15, 17, 18-21, 23, 38, 39, 40-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Criscito et al. U.S. Pat. No. 5,854,945.

2. As to claim 1, Criscito et al. teach apparatus comprising:
a scanner (bar code scanner is a form of image scanner; item 10, fig. 2) including a first port and a second port coupled together through a communications bus (see fig. 2);

control logic (control 58, fig. 6) associated with the communication bus, the control logic configured to control the passage of data over the communication bus (see fig. 2; col. 6, line 61- col. 7, line 58).

3. As to claim 3, Criscito et al. teach apparatus further comprising a computer (item 20a, fig. 6) coupled to the second port, where the communication bus passes commands from the keyboard directly (items 74b, 72b, fig. 6) to the computer.

4. As to claim 56, Criscito et al. teach apparatus, further comprising a keyboard coupled to the first port (item 14, fig. 2).

5. As to claims 4 and 5, Criscito et al. teach apparatus wherein the control logic is configured to detect the presence of commands from the keyboard (via lines 73bb and 74bb, fig. 6) and control logic routes commands from the keyboard to the computer (via TG2 and TG1, fig. 6).

6. As to claims 6 and 7, Criscito et al. teach apparatus wherein keyboard enable logic (item 62, fig. 6) associated with the control logic and the keyboard enable logic instructs the control logic to route commands from the keyboard to a keyboard/scanner interface (see fig. 2).

11. As to claim 17, Criscito et al. teach method, further comprising supplying power to the keyboard from the scanner if the power signal from the computer is not detected (by item 73b and 74b; fig. 2).

12. As to claim 23, Criscito et al. teach apparatus, wherein the keyboard commands correspond to a facsimile address (facsimile number as is common in the art).

13. As to claim 38, Criscito et al. teach system, comprising:
a computer (item 20, fig. 2);
a scanner coupled to the computer (items 10 and 20, fig. 2); and
a keyboard coupled to the scanner (item 14 and 10, fig. 2),
wherein the scanner is configured to receive keyboard commands from the keyboard and perform a function based on the keyboard commands even if the computer is powered off (connection of item 14 and 10; fig. 2).

14. As to claim 39, Criscito et al. teach system, wherein the scanner comprises a first port and a second port coupled via a communication bus and wherein the keyboard couples to the first port and the computer couples to the second port (items 14, 10 and 20).

15. As to claim 40, Criscito et al. teach system, wherein if the computer not powered off, the computer is able to receive keyboard commands from the keyboard via the scanner even if the scanner if powered off (col. 2, lines 7-10).

7. As to claim 9, Criscito et al. teach apparatus further comprising power supply logic configured to supply power to the keyboard if the power detector fails to detect the power signal from the computer (via lines 73b and 74b; fig. 2).

8. As to claim 10, Criscito et al. teach apparatus, further comprising a keyboard/scanner interface (items 12, 65a, fig. 6) configured to receive keyboard commands (via lines 73bb and 74bb, fig. 6) from the control logic and forward the keyboard commands (via line 58, fig. 6) to a processor of the scanner (item 64, fig. 6).

9. As to claim 12, Criscito et al. teach apparatus, wherein the keyboard commands correspond to a facsimile address (facsimile number as is common in the art).

10. As to claim 15, Criscito et al. teach method comprising:
connecting a scanner to a computer over a communication bus in the image scanner (see items 60 and 20a, fig. 6); and
connecting a keyboard to the communication bus where the communication bus passes commands from the keyboard directly to the computer (see fig. 2);
wherein the keyboard connects to a first port of the scanner and the computer connects to a second port of the scanner (items 14 and 20; fig. 2).

16. As to claim 41, Criscito et al. teach system, wherein if both the computer and the scanner are powered on, keyboard commands from the keyboard are diverted to the computer via the scanner by default and are selectively diverted for use by the scanner based on a user-activated signal (col. 1, line 55-col. 2, line 2).
17. As to claim 42, Criscito et al. teach method, comprising:
connecting a computer to a scanner (item 20 and 10, fig. 2);
connecting a keyboard to the scanner (item 14 and 10, fig. 2); and
performing a function by the scanner based on keyboard commands from the keyboard, even if the computer is powered off (connection of item 14 and 10; fig. 2).
18. As to claim 43, Criscito et al. teach method, further comprising coupling the keyboard to a first port of the scanner and coupling the computer to a second port of the scanner (items 14, 10 and 20).
19. As to claim 44, Criscito et al. teach method, further comprising powering the keyboard by the scanner if the computer is powered off (connection of lines 71 and 72; fig. 2).
20. As to claim 45, Criscito et al. teach method, further comprising, if the computer is powered on and the scanner is powered off, transmitting keyboard commands from the keyboard to the computer via the scanner (col. 2, lines 7-10).

21. As to claim 46, Criscito et al. teach method further comprising, if both the computer and the scanner are powered on, controlling the computer using the keyboard by default and selectively controlling the scanner using the keyboard based on a user-activated signal (col. 1, line 55 – col. 2, line 2).
22. As to claim 47, Criscito et al. teach system, comprising:
 - a computer (item 20; fig. 2);
 - a scanner coupled to the computer (scanner 10, fig. 2); and
 - a keyboard coupled to the scanner (item 14, fig. 2),
wherein the computer receives keyboard commands from the keyboard via the scanner, even if the scanner is powered off (col. 2, lines 7-10).
23. As to claim 48, Criscito et al. teach system, wherein the scanner comprises a first port and a second port coupled via a communication bus and wherein the keyboard couples to the first port and the computer couples to the second port (items 16, 12 and 24; fig. 2).
24. As to claim 49, Criscito et al. teach system, wherein if the computer is powered off and the scanner is powered on, the scanner is able to receive keyboard commands from the keyboard to control a function of the scanner (via lines 73b and 74b; fig. 2; col. 5, lines 10-13).

25. As to claim 50, Criscito et al. teach system, wherein if both the computer and the scanner are powered on, the computer receives keyboard commands via the scanner by default (col. 1, lines 55-67) and the scanner selectively diverts keyboard commands for use by the scanner based on a user-activated signal (via keyboard detect logic; col. 5, lines 35-49).
26. As to claim 51, Criscito et al. teach method, comprising:
connecting a computer to a scanner (item 20, fig. 2);
connecting a keyboard to the scanner (item 14, fig. 2); and
transmitting keyboard commands to the computer via the scanner, even if the scanner is powered off (col. 2, lines 7-10).
27. As to claim 52, Criscito et al. teach method comprising, if the scanner is powered on and the computer is powered off, performing a function by the scanner based on keyboard commands from the keyboard (via lines 73b and 74b; fig. 2; col. 5, lines 10-13).
28. As to claim 53, Criscito et al. teach method comprising powering the keyboard by the scanner if the computer is powered off (items 71 and 72; fig. 2).
29. As to claim 54, Criscito et al. teach method further comprising coupling the keyboard to a first port of the scanner and coupling the computer to a second port of the scanner (item 16, 12 and 24; fig. 2).

30. As to claim 55, Criscito et al. teach method further comprising, if both the computer and the scanner are powered on, directing keyboard commands to the computer by default (col. 1, lines 55-67) and selectively directing keyboard commands to the scanner based on a user-activated signal (via keyboard detect logic; col. 5, lines 35-49).

31. Claims 18-21 are method claims of apparatus claims 4-7. Criscito et al. teach apparatus as set forth in claims 4-7. Therefore, Criscito et al. also teach method as set forth in claims 18-21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criscito et al. U.S. Pat. No. 5,854,945 in view of Raasch et al. U.S. Pat. No. 5,280,283.

33. As to claim 8, Criscito et al. do not teach power detector coupled to the communications bus, the power detector configured to detect power signal from a computer.

Raasch et al. teach power detector coupled to the communications bus, the power detector configured to detect power signal from a computer (col. 2, lines 18-36). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Criscito et al. and Raasch et al. because ~~this~~ would provide conservation of power for the system (col. 2, lines 29-36).

34. Claim 16 is method claims of apparatus claim 8. Criscito et al. and Raasch et al. teach apparatus as set forth in claim 8. Therefore, Criscito et al. and Raasch et al. also teach method as set forth in claim 16.

35. Claims 11, 13, 14, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criscito et al. U.S. Pat. No. 5,854,945 in view of Raasch et al. U.S. Pat. No. 5,280,283 further in view of Davis et al. U.S. Pat. No. 6,167,462.

36. As to claims 11, 13 and 14, neither Criscito et al. nor Raasch et al. teach wherein keyboard commands correspond to an email address, a network interface module coupled to the keyboard/image scanner interface configured to connect the image scanner to an external network, and a document scanned by the image scanner is electronically mailed over the external network.

However, Davis et al. teach wherein keyboard commands correspond to an email address (since scanner is used in a network to transfer documents; see fig. 5 and 6), a network interface module coupled to the keyboard/image scanner interface configured to connect the image scanner to an external network (see fig. 1,5 and 6), and a document scanned by the image scanner is electronically mailed over the external network (see fig. 5 and 6; col. 3, lines 32-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Criscito et al. and Raasch et al. to incorporate Davis et al. because that would provide the user of the system to utilize the remote scanner located on server computer system or remote scanner located on computer suystem (col. 3, lines 32-41).

37. Claims 22, 24 and 25 are method claims of apparatus claims 11, 13 and 14. Criscito et al., Raasch et al. and Davis et al. in combination teach apparatus as set forth in claims 11, 13 and 14. Therefore, Criscito et al., Raasch et al. and Davis et al. in combination also teach method as set forth in claims 22, 24 and 25.

Response to Arguments

38. Applicant's arguments filed August 18, 2005 have been fully considered but they are not persuasive.

The examiner disagrees with the applicant, Criscito reference does not teach "a scanner including a first port and a second port coupled together through a communication bus. The examiner would like to refer to figure 2, wherein there are items 14 and 20 designating a keyboard and a CPU or computer and they are separately connected to the scanner (item 10 in fig. 2). Since claims are to be given broadest reasonable interpretation, the scanner connected to the keyboard via a bus can be considered as a port and further, the scanner connected to the computer or CPU via another bus can be considered as a different port.

Furthermore, the examiner disagrees with the applicant Criscito does not teach or suggest "the scanner is configured to receive keyboard commands from the keyboard and perform a function based on the keyboard commands even if the computer is powered off". In this point the examiner would like to point to VDD and GND connection between the keyboard and scanner (items 14 and 10; fig. 2) wherein keyboard and the scanner would be able to function even if the computer is powered off.

Moreover, the examiner disagrees with the applicant Criscito does not teach or suggest “transmitting keyboard commands to the computer via the scanner, even if the scanner is powered off”. Due to the fact that there exists VDD and GND connection between the CPU and keyboard (items. 14 and 20; fig. 2) and this connection is via the scanner (item 10, fig. 2). The examiner would also like to point to col. 2, lines 8-10, wherein it is stated that communication between the keyboard and the computer may be conducted via a wedge. Therefore, if the scanner is powered-off, the communication between the keyboard and the CPU would exist.

Finally, after considering all of the factors above, the examiner retains the rejection of previously rejected claims 1, 3-25 and newly presented claims 38-56.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad O. Farooq
Mohammad O. Farooq
7/18/06

Mohammad O. Farooq
December 9, 2005

Mano Padmanabhan
MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER